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JUN 09 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JERRY A. BRENDEN,

Plaintiff - Appellant,

v.

SELLEN CONSTRUCTION,

Defendant - Appellee.

No. 05-35606

D.C. No. CV-05-427-RSM

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted June 5, 2006^{**}

Before: CANBY, T.G. NELSON and KLEINFELD, Circuit Judges.

A review of the record and appellant's responses to this court's order to show cause indicates that the questions raised in this appeal are so insubstantial as

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

All pending motions are denied as moot.

AFFIRMED.